

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA

Alexandria Division

UNITED STATES OF AMERICA

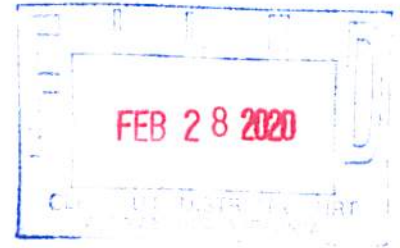
v.

ANDREW JON THOMASBERG,

Defendant.

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Case No. 1:19-cr-337



CONSENT ORDER OF FORFEITURE

WHEREAS, on November 12, 2019, the defendant, Andrew Jon Thomasberg, waived indictment and pleaded guilty to a two-count criminal information charging the defendant with making a false statement in connection with the acquisition of a firearm, in violation of Title 18, United States Code, Section 922(a)(6), and possession of a firearm by an unlawful controlled substance abuser, in violation of Title 18, United States Code, Section 922(g)(3), and agreed to the forfeiture of all the defendant's interests in the firearms and ammunition with magazines that is the subject of this order of forfeiture;

AND WHEREAS, the defendant agrees to waive the provisions of Federal Rules of Criminal Procedure 11(b)(1)(J), 32.2(a), 32.2 (b)(4) and 43(a) with respect to notice in the criminal information that the government will seek forfeiture as part of any sentence in this case, and that entry of this order shall be made a part of the sentence, in or out of the presence of the defendant, and included in the Judgment in this case without further order of the Court.

NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED
THAT:

1. Pursuant to 18 U.S.C. § 924(d) and 28 U.S.C. § 2461(c), the following property is forfeited to the United States of America as firearms and ammunition with magazines in possession of an unlawful controlled substance abuser, in violation of 18 U.S. C. § 922(g)(3):

- a. A PTR .308 rifle, bearing serial number AW10866;
- b. A Fab. Nat. D'armes De Guerre Herstal-Belgique long rifle, bearing serial number A9929;
- c. An Engage Armament E4 rifle, bearing serial number (A)02313; and
- d. A VKT M39 rifle, bearing serial number 63933.

2. The Attorney General, Secretary of the Treasury, The Secretary of Homeland Security, or a designee, is hereby authorized to seize, inventory, and otherwise maintain custody and control of the property, whether held by the defendant or by a third party, and to conduct any discovery proper in identifying, locating or disposing of the property subject to forfeiture pursuant to Fed. R. Crim. P. 32.2 (b)(3) and 21 U.S.C. § 853(g).

3. Pursuant to Fed. R. Crim. P. 32.2(b)(3), upon entry of this order, the United States is authorized to conduct any appropriate discovery including depositions, interrogatories, requests for production of documents and for admissions, and pursuant to Fed. R. Civil P. 45, the issuance of subpoenas.

4. The United States shall publish notice of this order and of its intent to dispose of the property in such manner as the Attorney General may direct, including publication on the Government's Internet site, www.forfeiture.gov, for 30 consecutive days, and to the extent

practicable, provide direct written notice to any persons known to have alleged an interest in the property pursuant to Fed. R. Crim. P. 32.2(b)(6) and 21 U.S.C. § 853(n)(1) & (2).

5. This Order of Forfeiture is final as to the defendant, and shall be made part of the defendant's sentence and included in the Judgment in this case pursuant to Fed. R. Crim. P. 32.2(b)(4).

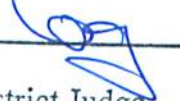
6. Any person, other than the defendant, asserting any legal interest in the property may, within thirty (30) days of the final publication of notice or his receipt of notice, whichever is earlier, petition the court for a hearing to adjudicate the validity of the alleged interest in the property pursuant to Fed. R. Crim. P. 32.2(c)(1) and 21 U.S.C. § 853(n)(2).

7. If no third party files a timely petition or if this Court denies and/or dismisses all third party petitions timely filed, this Order shall become the Final Order of Forfeiture, and the United States shall have clear title to the property and may warrant good title to any subsequent purchaser or transferee pursuant to Fed. R. Crim. P. 32.2(c)(2) and 21 U.S.C. § 853(n)(7).

8. If this Court grants any third party rights, a Final Order of Forfeiture that amends this Order as necessary to account for said third party rights, shall be entered pursuant to Fed. R. Crim. P. 32.2(c)(2) and 21 U.S.C. § 853(n)(6).

Date:

Feb 28, 2020

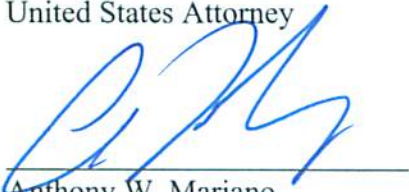
/s/ 
Liam O'Grady
United States District Judge

United States District Judge Liam O'Grady

WE ASK FOR THIS:

G. Zachary Terwilliger
United States Attorney

By:



Anthony W. Mariano

Special Assistant United States Attorney

Ronald L. Walutes, Jr.

Assistant United States Attorney


Andrew Jon Thomasberg
Defendant


Gretchen L. Taylor, Esq.
Counsel for the Defendant